

**Oroville Facilities Relicensing
Federal Energy Regulatory Commission Project No. 2100
Draft Summary of the Plenary Group Meeting
October 28, 2003**

The Department of Water Resources hosted a meeting for the Plenary Group on October 28, 2003 in Oroville. A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary for interested parties who could not attend the meeting. The following are attachments to this summary.

Attachment 1	Meeting Agenda
Attachment 2	Meeting Attendees
Attachment 3	Meeting Flip Chart Notes
Attachment 4	Work Group Resource Action Development Process
Attachment 5	Cultural Resources Work Group Resource Action Presentation
Attachment 6	Plenary Group Comments on CRWG Resource Action Recommendations
Attachment 7	Process Task Force Update
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Welcome and Introductions

Attendees were welcomed to the Plenary Group meeting and introduced themselves and their affiliations. The Facilitator reviewed the proposed agenda and desired outcomes for the meeting with the participants. The proposed meeting agenda and a list of meeting attendees are appended to this summary as Attachments 1 and 2, respectively. Meeting flip chart notes are included as Attachment 3.

Proposed Resource Action Development Update

The Facilitator provided an update on the resource action development process within the individual work groups (Attachment 4). She briefly reviewed the work undertaken in the past and currently underway by each of the work groups and pointed out that while the approaches differ slightly, each work group is striving to prepare a recommended list of RAs to present to the Plenary Group and Preliminary Draft Environmental Assessment team for analysis. The Facilitator explained that each work group started with the issue tracker to develop its initial list of potential RAs. She reminded the participants that the issue tracker includes issues, concerns, and potential actions captured since the beginning of the collaborative process. Stakeholders participating in the individual work groups have been invited to submit individual RAs by completing resource action identification forms and providing them either to the work group itself or to DWR for distribution to the appropriate work group. All work groups have utilized a matrix approach to track individual RAs. The following briefly summarizes the

information conveyed for each work group; please refer to Attachment 4 for more details of the presentation.

Recreation and Socioeconomics Work Group

The RSWG employed a geographic approach to develop their proposed Resource Action Matrix. RAs were numbered and sorted by seven geographic areas. Each geographic area was discussed in terms of existing uses and potential future uses. The RSWG participants identified their individual top priorities within each geographic area and a newspaper poll was used to further elicit local priorities. The DWR Resource Area Manager reviewed the priorities and created 'A', 'B', and 'Settlement' lists. The 'A' list includes many of the stakeholder priority RAs in addition to DWR priorities and other potentially needed actions to be forwarded for analysis by the PDEA team. The 'Settlement' list includes those RAs that may be brought to the settlement negotiation table but are unlikely to be identified in the recreational needs analysis for the project or are inappropriate for a Federal Energy Regulatory Commission license condition. The 'B' list of RAs (not proposed for analysis at this time) includes redundant RAs, interagency management actions, and actions without clear nexus to the project. The work group tasked DWR to look for synergies and actions that might be further combined or consolidated into one RA. This activity is currently underway and will receive further RSWG discussion prior to presentation to the Plenary Group. The Facilitator also noted that the entire suite of proposed RAs related to trails have been consolidated on one list and provided to the JPA consultant to develop a trails plan RA for PDEA analysis.

Environmental Work Group

The EWG divided their RA matrix into four resource areas: Fisheries, Terrestrial, Water Quality, and Geomorphic Processes and initiated individual task forces for each resource to begin discussions of RAs. The discussions are highly technical in nature and the EWG expects to provide significant specific information to the PDEA team. The EWG has prioritized and categorized their RAs according to the amount of information available and the potential for an action to successfully address project effects. The EWG intends to provide the PDEA team with detailed narrative reports on those RAs it considers most promising.

Eric Theiss representing NOAA added that the narrative reports represent an interim step to assist with the PDEA team evaluation. Eric asked for clarification on the anticipated interaction between the PDEA team and the collaborative. Rick Ramirez with DWR replied that much of the work done by the collaborative is helping to define the PDEA. He added that FERC approved development of an applicant-prepared environmental document for this project and that DWR hopes to have the draft document available for review in April or May 2004. He added that he expects interaction between the licensee's PDEA team and the collaborative to continue until the application and PDEA are filed in 2005. Eric asked if there are limits to the rigor of analysis the PDEA team will perform on the proposed RAs and expressed concern that the RAs submitted by NOAA would not be analyzed to his expectations.

Mike Mainz representing the Department of Fish and Game reminded the Plenary Group that the PDEA is a draft and there would be opportunity after the draft is released for the collaborative to respond and discuss it during settlement negotiations. Rick added that the approach is intended to provide the settlement negotiators with as much information as possible so they might achieve settlement on as many issues as possible.

Michael Pierce representing Butte County asked if RAs included in the PDEA would have greater weight than those not included. Rick Ramirez responded that actions evaluated in the

PDEA would have more information developed for them but other RAs could be raised at the settlement table even if they were not included in the PDEA analysis.

Patrick Porgans representing JEM Farms stated he would not be submitting any RAs until he has seen data results; he is currently waiting for geomorphic data that will not be available until November or December 2003. Patrick feels at a disadvantage and is not sure when he would be in a position to absorb and digest the data to provide input. Ken Kules representing the Metropolitan Water District of Southern California noted that the draft PDEA will be released in April or May 2004 at the same time settlement negotiations would begin. He does not believe the collaborative will be negotiating the language in the PDEA since the document is a part of the licensee's application to FERC, but he expects that the collaborative would continue to inform the process until the final application is filed. Valerie Fischer-Gates commended the Facilitator on her presentation and expressed her belief that the stakeholders have had an excellent opportunity to share their interests and have been listened to by the different agencies involved in the ALP.

Rick Ramirez observed that some stakeholders feel we are not gathering enough public input; however, he reminded the group that the RSWG included a newspaper survey and that DWR is incorporating as much information as possible through this process including hundreds of public meetings, most of which have occurred in Oroville. He added that the work group efforts provide DWR with important information to incorporate into the PDEA. Eric Theiss requested a separate meeting with DWR to better understand the process. He added that he has heard there will be no further field analysis on the RAs submitted. Rick replied that DWR intends to meet with him and agreed to continue its efforts to find a time when DWR and NOAA might meet to discuss their concerns.

The Facilitator completed her description of the EWG activities by noting the EWG intention to group the RAs into programs prior to submittal to the Plenary Group and the PDEA team.

Land Use, Land Management and Aesthetics Work Group

The LULMAWG matrix includes 23 RAs, with 8 RAs identified as high priority. Several RAs have been received by the LULMAWG from other work groups and have been incorporated in their matrix. The Facilitator noted that the LULMAWG would likely be ready to present their recommendations to the Plenary Group at the November 2003 Plenary Group meeting.

Cultural Resources Work Group

The Facilitator reminded participants of the unique position the four federally recognized tribes in the region hold due to their sovereign status. She described the Maidu Advisory Council, created to provide a forum through which Native American input could be sought. Native Americans also participated as crewmembers during field inventory activities. The CRWG has completed their RA efforts and a presentation to the Plenary Group occurred later in the meeting (see discussion below).

Engineering and Operations Work Group

The EOWG has focused primarily on providing modeling support to the other work groups. The EOWG has developed 17 modeling scenarios and hosted 3 modeling workshops where preliminary information was presented to work group participants and the PDEA team. A few RAs have recently been assigned to the EOWG and they are currently developing a matrix.

Eric Theiss asked for clarification on the purpose of presenting RAs to the Plenary Group and asked if the PDEA team would need to wait for Plenary Group approval before beginning

analysis. Ken Kules suggested that RAs submitted to DWR for consideration could be included in the PDEA and DWR's first offer of settlement that will begin the settlement negotiation phase of the collaborative process. He expects those RAs included in DWR's initial offer would also be those included in the first draft of the PDEA. Eric stated that he feels DWR should not have the ability to decide which RAs to include or exclude from analysis and such action would give DWR too much authority to determine what is included in the PDEA. Michael Pierce voiced concerns that the County-submitted RAs determined to be on the RSWG's Settlement List may not be adequately analyzed, and the Facilitator reminded him that the Recreation Needs Analysis would be the basis for recreation RA prioritization and subsequent analysis.

John Coburn representing the State Water Contractors agreed with the process outlined by Ken Kules and added that the collaborative work groups need to meet deadlines to get the PDEA process started. He suggested that NOAA take special steps to meet with DWR to discuss their concerns. Ralph Torres with DWR informed the Plenary Group that DWR is interested in addressing NOAA issues and has been trying to arrange a meeting that has been made more difficult by staffing constraints. Mike Mainz noted that there are resource agencies that do not agree with NOAA Fisheries' perspective.

Patrick Porgans asked if the Plenary Group has a decision-making role on RAs or the PDEA. Rick Ramirez replied that the Process Protocols do not give the Plenary Group an approval role for RAs to be analyzed; however, there is an important role for the Plenary Group in considering cross-resource effects. Patrick suggested that the collaborative effort was wasting his time if he was to have no role in approving anything. Rick reminded the Plenary Group of their important role in approving 71 study plans and suggested that if DWR had not been involved in a collaborative process, the number of studies conducted would have been far fewer. Patrick responded that since DWR is doing the studies, he has little confidence that the results will be unbiased. The Facilitator noted the questions that were raised during the discussion (Attachment 3) and suggested adding a description of the PDEA process and its relationship to the collaborative process on the next Plenary Group meeting agenda. The Plenary Group agreed with the suggestion.

Cultural Resources Work Group Resource Action Presentation

Janis Offermann and Chris Acken with DWR presented the CRWG RA development process and list of recommended RAs for analysis (Attachment 5). Chris described the role of Native Americans in the CRWG as well as the process the work group used to develop and sort RAs submitted by the CRWG. A prioritized list of CRWG RAs was presented to the Plenary Group. Plenary Group comments on the CRWG RA recommendations were captured on-screen and are provided as Attachment 6 to this summary. Participants were informed that DWR is working with the Tribes outside the ALP on the repatriation of human remains and funerary artifacts. DWR has agreed to assist the Tribes in this regard and to provide adequate land for reburial. Janis added that the collaborative would not weigh-in on this subject, as it is an action outside of the relicensing process. Ron Davis asked if any RAs were submitted that address non-Native American cultural issues. Janis replied that the historic preservation laws provide for the protection of historic resources left by non-Native Americans, such as miners and Chinese workers and these historic resources have been included in the studies conducted as part of the CRWG effort. She added that the Cultural Resources Management Plan would address both prehistoric and historic resources of significance.

Michael Pierce informed the Plenary Group that a special meeting on October 30, beginning at 2 p.m. and hosted by the City of Oroville's consultant Eric Zigas would solicit input on potential

sites for a cultural center. He noted that several ideas have emerged and the City is interested in identifying the location that has the greatest community support. Janis noted that the federally recognized tribes in the region have their own ideas regarding a cultural resources center and she expects to continue separate discussions with them on this issue. Ralph Torres stated not all of the Tribes agree on the purpose and components of the cultural center.

Wade Hough representing ORAC stated that they support the supplemental funding concept identified in a number of the CRWG RAs and asked if there were any ideas where funding would come from for additional rangers to protect cultural resources. Ken Kules noted that DWR may be responsible for researching and outlining various funding possibilities but expects additional funding to be a part of the negotiations.

Michael Pierce asked whether the Tribes would be involved in cross-resource action discussions. Chris replied that all stakeholders are invited to attend the meetings and attendance is at the discretion of each stakeholder.

Process Task Force Update

Anna West with the DWR consultant team provided an update on the status of the revised Process Protocols (Attachment 7). Anna reminded the Plenary Group that at the end of the last meeting Kearns & West was tasked to: (1) meet with the State Water Resources Control Board to discuss concerns with the language in the revised Process Protocols, and (2) work with stakeholders to identify any remaining concerns. DWR received a letter from Victoria Whitney with the SWRCB outlining their concerns (Attachment 8). The SWRCB asked to be listed as an interested party and not as a participant and also for removal of quotation marks around language concerning the SWRCB. Sharon Stohrer representing the SWRCB feels their concerns were addressed and indicated SWRCB comfort with the revised protocols.

Patrick Porgans informed the collaborative that his client JEM Farms would have a different representative for settlement negotiations, and indicated he would not approve the revised Process Protocols because they are contrary to what he believes. Anna also reviewed the comments received from two other stakeholders. She informed the group that Ron Davis prefers deletion of any reference to confidentiality included in the protocols, and Cathy Hodges indicated she is also uncomfortable with confidentiality.

Anna described a change proposed by Cathy Hodges in Section 4.5.6.5 to add "constituency" after the word "caucus". The Plenary Group discussed the proposed change, including a suggestion to add constituency to the definition of caucus contained in the appendix, and agreed to add constituency in the body of the document as well as in the appendix definitions.

Anna read aloud an e-mail message from Richard Roos-Collins (Attachment 9). After reading Richard's e-mail to the Plenary Group, Anna requested a show of support for adopting the revisions. Cathy Hodges reiterated her concern with confidentiality and suggested that the collaborative should not be changing the Process Protocols this far into the process. The Facilitator reminded the Plenary Group that the Process Protocols have always contained the provision to revise them if necessary to further describe aspects of the collaborative process not clearly defined when originally adopted. Sharon Stohrer added that it was always anticipated and understood that the protocols would be revisited during settlement negotiations.

Patrick Porgans suggested that decisions are going to be made by the settlement team rather than in an open, collaborative process. Anna reminded the group that anyone who would like to

have a seat at the negotiation table is welcome to participate in that process. Patrick said he did not understand the need for confidentiality in a public process and intends to make public everything he can. DC Jones responded that the confidentiality language does not mean negotiations are going to be kept secret but is intended to prevent stakeholders from taking information from the settlement table to the media as a negotiating tool.

Ron Davis expressed concern over the potential for separate negotiations with individual stakeholders, and Valerie Fischer-Gates noted that at some point stakeholders would need to take the leap of faith and trust in the outcome of the collaborative process. Michael Pierce added that there are confidential conversations happening all the time and that the County feels that if it gets a fair shake at the negotiation table then the collaborative will come out with a good product.

The Facilitator asked the group whether anyone had other comments or heartburn with the proposed revisions to the Process Protocols. Five stakeholders indicated they had heartburn with them, but the majority of the Plenary Group agreed to accept the revisions as proposed.

Cumulative Effects Analysis Update

Rick Ramirez updated the Plenary Group on the cumulative effects analysis effort (Attachment 10). He noted that his presentation would be continued at the November Plenary Group meeting because he had been unable to gather all the information he wanted to include in his presentation and had been unable to schedule a meeting with NOAA to address its concerns. Rick reminded the Plenary Group that a Cumulative Effects Task Force was initiated through the Environmental Work Group with the intention of preparing protocols for cumulative effects analysis. The Task Force prepared a draft guidance document; however, near the end of the process, NOAA and the U.S. Fish & Wildlife Service decided to submit their own documents rather than support the draft guidance developed by the task force. The Cumulative Effects Task Force presented the draft guidance document to the Plenary Group and distributed it to the various work groups for use during consideration of cumulative effects on individual resources. In Scoping Document 2, previously distributed to the Plenary Group and filed with FERC, DWR further defined its intended approach to cumulative effects analysis. Patrick Porgans, NOAA, and Butte County indicated that the approach outlined would not meet their needs. Rick indicated that DWR is looking for a solution that works for the entire collaborative but added that DWR is comfortable with its approach and is aware that the FERC application process provides an avenue for stakeholders to raise questions related to cumulative effects.

Sharon Stohrer said that in addition to the process as outlined, there would be public participation through the CEQA process. She added that while other agencies do not have an appeals process, the SWRCB does. She informed the Plenary Group that anyone could appeal the 401 conditions. Rick noted that the ALP was designed to help avoid regulatory battles over issues such as cumulative effects.

Michael Hoover representing FWS cited its issues early on with the analysis approach; however, they have been actively participating at the work group level over the last year and are more comfortable with the cumulative effects process. He added that cumulative effects analysis is a difficult subject and many federal and State agencies have wrestled with it. Michael added that FWS species of concern are not the same as those concerning NOAA.

Rick reiterated the need to continue this discussion at the next Plenary Group meeting, and Patrick Porgans asked if the Plenary Group would be receiving anything on the topic in writing for review prior to the meeting. Rick suggested that if the anticipated meeting with NOAA occurs before the next meeting and there was adequate time to prepare, he would try to provide additional information prior to the meeting for review by the Plenary Group participants.

Ken Kules noted that a cumulative effects analysis first requires the identification of direct or indirect impacts related to the project and then an evaluation of how other projects contribute to those effects. He requested that DWR also address both steps during next month's meeting.

Michael Pierce sought confirmation that the 2002 draft guidance document is the latest version and no revisions have been made since that time. Michael commented that Butte County had written a letter to DWR related to cumulative impacts and has not received an answer. Ralph Torres agreed to review the correspondence to determine if a letter was sent from DWR to Butte County in response.

Ron Davis asked if studies have been initiated further downstream to address impacts outside the project area. Rick Ramirez noted that several studies have been conducted that include lands outside of the project boundary and expressed his confidence that the studies would collect adequate data to evaluate all effects of the project. Mike Mainz asked how impacts of the hydropower aspect of the Oroville Facilities would be separated from those of the water project because the hydropower aspects do not extend to Southern California. Rick suggested he would include information on this topic in the presentation for the November Plenary Group meeting. Cathy Hodges asked what DWR was going to do about the lack of baseline cumulative studies on the trails, and Rick responded that DWR did not believe there were any cumulative impact trail studies needed.

Karen Donovan representing SWC reminded Plenary Group participants to bear in mind that when looking at cumulative impacts, all other sources (projects) impacting that resource must be investigated. John Schlotterbeck with MWD stated that indirect impacts are not cumulative impacts, and he suggested DWR provide some definitions to clarify the differences between direct, indirect, cumulative, and project-specific effects.

Eric Theiss asked whether DWR intends to produce a cumulative effects study plan. Rick suggested that the question be deferred until after the meeting with NOAA. Mike Mainz informed participants that prior to construction of the project, there were 1,500 spring-run salmon and since construction the number of spring-run salmon has not changed; today there are still 1,500 spring-run salmon. Michael Pierce suggested there are cumulative impacts on humans related to the project not covered by NOAA or DWR guidelines. Rick said DWR would try to answer that question at next month's meeting.

Meeting Summary and Action Items

Work Group Meeting Abstracts

The Facilitator informed participants that abstracts covering work group meetings held since the last Plenary Group meeting are included with the meeting agenda (see Attachment 11). More detailed work group meeting summaries are posted on the Oroville Facilities Relicensing web site.

Actions Items – September 23, 2003 Plenary Group Meeting

The Facilitator reviewed the status of the action items from the September 23, 2003 Plenary Group meeting.

Action Item #P135: Provide comments on Process Protocol revisions and place review and approval on next agenda.

Responsible: Plenary Group participants

Status: Completed

Action Item #P136: DWR and SWRCB (sub-meeting may include NOAA and USFWS) meet to discuss responses to Process Protocols revisions.

Responsible: DWR/SWRCB

Status: Completed

Action Item #P137: Provide citations regarding ability of DWR to negotiate privately.

Responsible: DWR

Status: Completed

Action Item #P138: DWR, DPR, Butte County, and trails advocates meet to discuss multi-use trail designation and ORAC meetings.

Responsible: DWR will discuss and clear with upper management prior to arranging meeting

Status: Rick Ramirez informed the Plenary Group that he is currently talking to upper management about having a meeting on the trails issue. Wade Hough indicated that the issue is on the next ORAC meeting agenda, which has been submitted to Dan Peterson with DWR for his input. Cathy Hodges disagreed that the ORAC meeting would take the place of this proposed meeting and its intent. Rick noted that the trails issue is an existing license issue; however, DWR relicensing team members plan to attend the ORAC meeting. Cathy asserted that DWR is out of compliance with the existing license and that Dan Peterson has been avoiding discussions on the multi-use decision. She feels this action item should be a relicensing meeting not an ORAC meeting. Ralph Torres suggested that in addition to Dan Peterson, other DWR Operations and Maintenance staff would attend the ORAC meeting and if the problem was not solved in that venue, he asked participants to call him personally. The Facilitator recommended Cathy provide specific questions to be answered at the ORAC meeting. Cathy agreed to provide questions to DWR in advance of the ORAC meeting. Valerie Fischer-Gates suggested attendees to the ORAC meeting should include those with the authority to make decisions.

Action Item #P139: Submit solutions to ALP confidence and meaningful stakeholder input issues to Facilitator for distribution to the Plenary Group.

Responsible: Plenary Group participants/Facilitator

Status: The Facilitator informed participants that there were four submittals from stakeholders, which were distributed to the collaborative prior to this meeting along with a cover letter written by Ralph Torres (Attachment 12). Ralph reminded the Plenary Group that the ALP has produced tremendous products; however, if we lose respect for one another we will not meet our goals. Ralph feels the collaborative is starting to move on the right path for the future and he expressed his

respect for the community. He added that he has a core team of DWR employees whose integrity he would stand behind without question and noted that many of these people put in countless hours well beyond their basic job requirements.

Regarding a comment on lack of agency attendance at monthly ORAC meetings, Mike Mainz reminded the group that DFG is also supposed to attend ORAC meetings; however, beginning in December, no one in DFG will be available to attend monthly meetings. He explained that it is partly a matter of insufficient staffing but he added that many agency representatives are not interested in attending meetings where local participants constantly berate them. He suggested if such behavior were to stop, agency representatives may be more interested in attending. He recounted his own experience in attending ORAC meetings where local representatives consistently spoke harshly and disrespectfully to him.

Michael Pierce asked Ralph to describe the mutual goal of this process and Ralph responded that the goal is to make sure the project operates to everyone's benefit. Patrick Porgans reported that he has contacted FERC to place the trust issues into the Alternative Dispute Resolution process. According to Patrick, Rick Miles with FERC implied that trust is not a typical issue for ADR, and DWR is not compelled to participate in the ADR process. The Facilitator asked Patrick if he was removing the trust issue from this forum and Patrick replied that he intends to pursue the issue further with FERC.

Ron Davis thinks the proposals contained in his comment letter are being dismissed, which he considers disrespectful. Michael Pierce asked why Ralph's response letter did not address the issues in each comment letter individually and he asked specifically about the first item on Ron Davis' list requesting that all meetings be recorded. The Facilitator reminded Michael that the Plenary Group itself decided by consensus early in the process that meetings would not be recorded. John Coburn asked the collaborative to note that the letters have been submitted and move forward.

Sharon Stohrer said she was very offended by the statements contained in the letters particularly since there was nothing to support the allegations made. Sharon noted that while the action item asked for solutions, the letters did not provide solutions but rather were accusatory and very unproductive. She commended Ralph on his reasoned response.

DC Jones said the statements made by local stakeholders were erroneous and suggested no more time be allocated to their discussion. He commented that calling someone deceitful is rude and not a good negotiating tactic. He also noted errors contained in some of the allegations particularly with regard to interim projects. He noted that the Plenary Group did not approve the interim projects but rather recommended implementation. He reminded the Plenary Group that DWR had consistently said that some of the interim projects might not be

implemented due to costs, engineering considerations, etc. and had never committed to completing the entire list. He suggested that those who contend that DWR has done nothing should drive around the project and take note of all the actions that have been implemented and give DWR credit for what they have accomplished since the collaborative began.

Bill Sittman agreed with DC Jones' statements and added that the collaborative must put these negative statements behind them to move forward. John Coburn agreed that the collaborative needs to move forward and stakeholders will either have trust or they won't. As things move ahead, John hopes people will feel more comfortable.

Mike Mainz praised the stakeholders for attending meetings on a regular basis. He said that this relicensing process is going to go down in FERC's history as the most expensive relicensing ever. He noted that DWR has opened the door to a collaborative process, agreed to 71 study plans, spent lots of money, held most meetings in Oroville at the community request, stocked libraries with information, etc. He suggested it is time for the community to put the past baggage aside and move on. Ken Kules agreed that there is no point continuing a discussion of these letters.

Patrick Porgans said without facts he cannot trust information and he bases his perspective on DWR's past record. He now feels that he must go to the public with his issues.

Michael Pierce said that some local participants react emotionally and maybe inappropriately but he feels that DWR should be the adult and look past the emotion as you would with a child. Mike Mainz pointed out that anytime DWR expresses an opinion different from some members of the local community it becomes a trust issue. John Coburn suggested that if DWR responded to the comments it would merely cause more negativity and he reiterated his suggestion that the collaborative should note the comments and move on. Chris Acken added if DWR were to respond to the individual comments the rift would widen because DWR would be forced to become positional. If the comments are indeed aimed at collaborative health and confidence in the ALP, as indicated, then DWR (one of many participants) should not be expected to answer them. She proposed instead that each member of collaborative reflect on the comment letters privately.

Rick Ramirez acknowledged the message to DWR but stated he is proud of DWR's record for the last three years. He said DWR signed the Riverbend Park agreement without asking if stakeholders trusted DWR. He suggested that action should be viewed as a start of a new relationship between DWR and the community. He added that the agency participants need to be assured their time attending meetings is well spent and suggested moving forward.

The Facilitator asked if the Plenary Group was ready to move on and agree to no further discussion of these topics. The Plenary Group agreed that no further time during collaborative meetings would be devoted to the topics of trust and confidence in the ALP.

Carryover Action

Action Item #P133: DWR and NOAA to discuss fish passage proposed resource action.
Responsible: Rick Ramirez/Eric Theiss
Status: Meeting still needs to be arranged.

Next Steps

The next Plenary Group meeting is scheduled for Tuesday, November 18, 2003. The time and location of the meeting will be determined once the agenda has been set. The Facilitator indicated that it would be an evening meeting and the Plenary Group agreed to begin the meeting at 5:00pm. Patrick Porgans informed the Facilitator he is unable to attend the November meeting; however, his client's negotiator will be there in his place. The Facilitator asked Patrick to provide her with the negotiator's contact information for meeting notification.

Frances Kelley asked for clarification on the function of the Plenary Group in the future and apologized for missing several months of meetings. The Facilitator suggested Frances call her when convenient so she could update Frances on recent Plenary Group activities and added that the Plenary Group and the settlement group would consist of largely the same group of participants.

Action Items

The following action items identified by the Plenary Group include a description of the action, the participant responsible for the action, and the due date.

Action Item #P140: Describe the relationship between the PDEA development and the collaborative process.
Responsible: DWR
Due Date: November 18, 2003

Action Item #P141: Continue discussion of cumulative effects analysis effort.
Responsible: DWR
Due Date: November 18, 2003

Action Item #P142: Review correspondence between Butte County and DWR related to the draft cumulative effects analysis guidance document.
Responsible: DWR
Due Date: November 18, 2003

Action Item #P143: Provide DWR with specific questions related to trails and cumulative impacts in advance of ORAC meeting.
Responsible: Cathy Hodges
Due Date: November 18, 2003